

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 SR-02 ORM-01 IO-10 CIAE-00 DODE-00

PM-03 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 3639

C O N F I D E N T I A L SANTIAGO 3949

EO 11652: GDS

TAGS: SREF, SHUM, CI

SUBJECT: CHILEAN MINISTER OF JUSTICE ON US PAROLE PROGRAM AND
HUMAN RIGHTS DEVELOPMENTS

REF: STATE 139179; SANTIAGO 3887

1. SUMMARY: GOC JUSTICE MINISTER SUGGESTS THAT NEXT STEP IN
IMPROVING GOC HUMAN RIGHTS PRACTICES MIGHT BE TO PROVIDE FOR
SUPREME COURT REVIEW OF CERTAIN DECISIONS OF MILITARY TRI-
BUNALS. MODIFICATION OF STATE OF SIEGE ALSO POSSIBLE. INDICATES
SUCH ACTIONS MORE LIKELY AFTER THAN BEFORE VISIT OF UN HUMAN
RIGHTS COMMISSION STUDY GROUP IN JULY. END SUMMARY.

2. AMBASSADOR CALLED ON JUSTICE MINISTER MIGUEL SCHWEITZER
JUNE 17 TO INFORM HIM OF US PAROLE PROGRAM FOR CHILEAN
DETAINEES AND HANDED SCHWEITZER COPY OF MEMORANDUM ON THIS
SUBJECT GIVEN FONMIN PREVIOUS DAY AND POUCHED DEPARTMENT.
SCHWEITZER UNDERSTANDS OUR OBJECTIVES AND HAS NO PROBLEMS
WITH EMBASSY PLANS TO INAUGURATE PROGRAM.

3. AMBASSADOR THEN TURNED DISCUSSION TO RECENT TRENDS IN
CHILE'S HUMAN RIGHTS SITUATION. SCHWEITZER MADE FOLLOWING
POINTS.

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4. HE WAS PLEASED THAT NEW NATIONAL SECURITY LAW, WITH WHICH HIS NAME IS CLOSELY ASSOCIATED, APPEARS TO BE HAVING GOOD EFFECT. REFERRING TO CHARGES THAT LAW WAS NOT BEING OBSERVED, HE SAID HE HAD NOT RECEIVED COMPLAINTS THAT TIME LIMITS FOR NOTIFICATION TO FAMILIES AND DETENTION WITHOUT ARRAIGNMENT WERE NOT BEING MET. THERE HAD BEEN COMPLAINTS REGARDING SUCH CASES WHICH HAD OCCURRED BEFORE OR PRECISELY WHEN NEW LAW HAD BEEN PROMULGATED. SCHWEITZER SAID PRESIDENT PINOCHET HAD ISSUED "VERY STRICT INSTRUCTIONS" TO GOVERNMENT PERSONNEL TO OBSERVE TERMS OF LAW. SAID HE WAS CONTINUING TO WORK FOR FURTHER IMPROVEMENTS IN JURIDICAL APPROACH TO HUMAN RIGHTS PRACTICES. SPECIFICALLY, HE HOPED SOMETHING COULD BE DONE TO ESTABLISH SUPREME COURT JURISDICTION IN REVIEWING WORK OF MILITARY TRIBUNALS IN CERTAIN CASES.

5. AMBASSADOR ASKED SCHWEITZER WHETHER IT WOULD BE POSSIBLE TO REMOVE OR REDUCE INTENSITY OF LEGAL STATE OF SIEGE NOW PREVAILING IN COUNTRY. SCHWEITZER REPLIED THAT RECENT EVIDENCE OF EXTREMIST ACTIVITY IN "SOUTH-CENTRAL" CHILE (SEPTEL) MADE IT INOPPORTUNE TO PRESS QUESTION AT THIS TIME, BUT SAID HE WOULD ALSO LIKE TO SEE SOME MOVEMENT IN THIS REGARD. HE THOUGHT IT POSSIBLE THAT LEVEL OF STATE OF SIEGE MIGHT BE REDUCED ON NATIONAL BASIS, OR PERHAPS IN SPECIFIC AREAS ACCORDING TO SECURITY REQUIREMENT. THIS MIGHT POSSIBLY BE DONE SOON AFTER VISIT OF UNHCR STUDY GROUP SCHEDULED FOR JULY. SCHWEITZER THOUGHT IT BETTER TO TAKE ACTION MODERATING CHILEAN HUMAN RIGHTS PRACTICES AS THOUGH IN RESPONSE TO OBSERVATIONS OF SUCH A GROUP, RATHER THAN IMMEDIATELY BEFORE ITS VISIT.

6. COMMENT: SCHWEITZER GIVES IMPRESSION THAT HE IS CAREFULLY WORKING FOR GRADUAL IMPROVEMENTS IN CHILE'S HUMAN RIGHTS PICTURE, LIMITING HIS ACTION AT ANY GIVEN STAGE TO WHAT GOVT MILITARY LEADERS CAN BE INDUCED TO ACCEPT. SUPRME COURT REVIEW OF MILITARY COURT SENTENCES, IF IMPLEMENTED, WOULD BE A MAJOR ADVANCE, AS WOULD MEANINGFUL ALLEVIATION OF STATE OF SIEGE PROVISIONS.

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